

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

LISA SAMUEL, Individually and on  
Behalf of All Other Persons Similarly Situated,  
LISA PIGECCELLA and AMELIA WESSEH,

Plaintiffs,

v.

KINDRED HEALTHCARE OPERATING,  
INC. and KINDRED NURSING CENTERS  
EAST, LLC,

Defendants.

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Civil Action No. 10-10748-JLT

ORDER

May 5, 2011

TAURO, J.

After a Motion Hearing held on April 13, 2011, this court hereby orders that:

1. The Parties' Joint Stipulation of Dismissal is APPROVED [#42].
2. Plaintiff Lisa Pigecella's Notice of Withdrawal of Consent to Join Lawsuit [#43] and Plaintiff Amelia Wesseh's Notice of Withdrawal of Consent to Join Lawsuit [#44] are DENIED. First, Plaintiffs failed to comply with Local Rule 7.1(a)(2).<sup>1</sup> Second, Plaintiffs' Notices are incompatible with the Parties' Joint Stipulation and this court's directive at its April 13, 2011 Hearing.<sup>2</sup> Finally, Plaintiffs' Notices,

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<sup>1</sup> LR, D. Mass. 7.1(a)(1) ("No motion shall be filed unless counsel certify that they have conferred and have attempted in good faith to resolve or narrow the issue."); see, e.g., Moore v. Pepe, 94-1118, 1995 U.S. App. LEXIS 185, at \*16 (1st Cir. Jan. 5, 1995) (affirming district court's denial of a motion because the motion violated Local Rule 7.1(a)(2)).

<sup>2</sup> Plaintiffs' Notices ask this court to toll the running of the statute of the limitations. But this court made clear at the April 13, 2011 Hearing, and the Parties agreed, that the issue of

filed days after the Joint Stipulation, are untimely and likely moot.

3. This case is closed.

IT IS SO ORDERED.

/s/ Joseph L. Tauro  
United States District Judge

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tolling in Bergman v. Kindred Healthcare Inc., No. 10-cv-00191 (N.D. Ill), would be litigated in the Bergman matter and not here. See, e.g., Joint Stipulation, 1 [#42]; Defs.' Opp'n Mots. & Objection Notices Withdrawal Lawsuit Lisa Pigeccella & Amelia Wesseh, 2 [#45].